

Applicants: Bendek, et al.  
Serial No.: 10/676,341  
Filing Date: October 1, 2003  
Docket No.: 102-544 (P-5849)  
Page 10

### **REMARKS**

Applicants submit this Amendment in response to a Final Office Action mailed by the USPTO on April 24, 2006. Reconsideration of the application is respectfully requested in view of the following remarks.

Claims 1-29 are in the application. Claims 1, 3, 10, 13, 20 and 23 have been amended.

At the onset, the undersigned would like to thank the Examiner for courtesies extended during an interview conducted on June 13, 2006. The following summarizes the substance of the interview.

In the Office Action, the Examiner has made a final rejection of claims 1-29 under 35 U.S.C. §102(b) as being allegedly anticipated by Gabriel (U.S. Patent No. 5,591,136). Applicants respectfully traverse that rejection.

Gabriel is directed to an injection device. As shown in the Figures, the device includes a threaded spindle 29. The threaded spindle 29 includes an enlarged proximal end 28 (see, e.g., Figure 6). As indicated at column 4, lines 50-55, the proximal end 28 acts directly upon piston 14 of drug cartridge 12. (Figure 4).

Applicants: Bendek, et al.  
Serial No.: 10/676,341  
Filing Date: October 1, 2003  
Docket No.: 102-544 (P-5849)  
Page 11

The present application includes three independent claims; claims 1, 10 and 20. Claim 1 is directed to a medication delivery pen which includes "a lead screw having an enlarged portion at a first end thereof, said lead screw having an end longitudinally opposite said first end in contacting engagement with the plunger", the plunger being "axially movable" within "a cartridge containing a predetermined amount of medication for injection into a patient". Claims 10 and 20 have similar limitations.

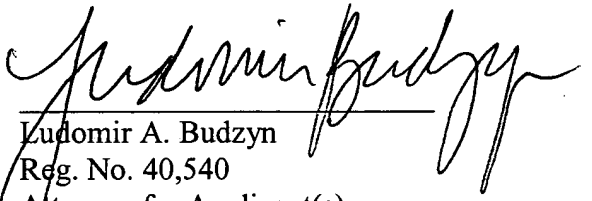
In contrast to the claims of the present application, Gabriel discloses a lead screw which has an enlarged end in contact with a plunger of a drug cartridge. As noted above, each of the independent claims of the present application recite a lead screw with an enlarged end away from the plunger of a drug cartridge. The enlarged prevents a user of an injection device covered by the claims of the present application from setting a medication dose larger than the volume of available drug. See, e.g., paragraph [0036] of the present application.

It is respectfully submitted that there is no disclosure in Gabriel of a lead screw having an enlarged end away from the plunger of the drug cartridge. Moreover, there is no suggestion or motivation to modify Gabriel to provide such a structure. It is thus respectfully submitted that claims 1-29 are patentable over Gabriel.

Applicants: Bendek, et al.  
Serial No.: 10/676,341  
Filing Date: October 1, 2003  
Docket No.: 102-544 (P-5849)  
Page 12

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,



Ludomir A. Budzyn  
Reg. No. 40,540  
Attorney for Applicant(s)

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700